



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
9085 EAST MINERAL CIRCLE
SUITE 200
CENTENNIAL CO 80112

COPY MAILED

JUN 14 2005

OFFICE OF PETITIONS

In re Application of

Pierce, et al.

Application No. 10/727,913

Deposited: December 4, 2003

Attorney Docket No. 1434-005

:
:
: DECISION GRANTING PETITION
:
:
:
:
:

This is a decision on the petition, filed August 19, 2004 and resubmitted on May 23, 2005 to accord a filing date of December 4, 2003 to the above-identified application.

The petition is **GRANTED**.

The application was deposited on December 4, 2003. However, on August 11, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on December 4, 2003 did not describe drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process, method, or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence.)

MPEP 601.01(f) also states that:

A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination....

This application contains method claims. Therefore, the application should have been accorded a filing date and processed for examination.

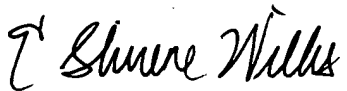
In view of the above, the "Notice" mailed August 11, 2004 was mailed in error and is hereby withdrawn.

The application is entitled to a filing date of December 4, 2003. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 4, 2003 and for indication in PTO records that "0" sheets of drawings were present on filing.

Thereafter, the application will be forwarded to Technology Center G.A.U. 1661 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy